

REMARKS

Claims 1, 3-6, 8-11 and 13 are pending. By this Amendment, Claims 1, 3-6, 8-11 and 13 are amended. Support for the amendments is provided in the instant application, as originally filed. As such, Applicants respectfully submit that no new subject matter is presented.

Entry of Response is Proper

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

Claim Rejections – 35 U.S.C. §102/§103

Claims 1, 3-4 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by United States patent Number 5,884,009 to Okase; Claims 5-6 and 8-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okase; and Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Okase in view of United States Patent Number 6,817,377 to Reimer et al. (Reimer).

Applicants respectfully traverse the rejections for at least the following reason(s).

Claims 1 and 13 each recite a film forming apparatus including, among other features, a gas mixture supply port located on a radially extending line of a shower head and wherein a gas mixture to be supplied from a gas-mixing chamber flows in direct contact with, and from circumferentially outside of, an upper surface of the shower head toward a central portion thereof along an upper surface of the shower head. See Figure 3 of the instant application, which provides an exemplary illustration of the feature recited by Claims 1 and 13.

As discussed on page 3, line 28 through page 4, line 15 of the application as originally filed, the structure of the film-forming apparatus recited by Claims 1 and 13 provide the advantages and benefits of uniform distribution of thickness, improved quality and composition of the film on the wafer surface.

Applicants respectfully submit that Okase and Reimer, alone or in any combination thereof, fails to disclose, teach or otherwise suggest each and every feature recited by Claims 1 and 13.

With regards to Okase, Applicants note the Office Action asserts the position that Okase teaches a supply port (any of 75 a, b) which supplies a gas mixture from a gas-mixing chamber (defined by the Office Action as the volume between 7a, b) to the shower head (7c) is defined only by an outer peripheral surface (portion of 75a, b) of the gas-mixing chamber (volume between 7a, b) and an inner surface (portion of 75a b) of the film-forming apparatus.

As such, Applicants submit the gas mixture supply port taught by Okase is not located on a radially extending line of the shower head (7c) since, as characterized by

the Office Action, the gas mixture supply port (and of 75 a, b) is separate from and located above the shower head (7c) and is nowhere near being located on a radially extending line of the shower head (7c).

Also, Applicants note the gas mixture taught by Okase does not flow in direct contact with the upper surface of the shower head (7c) since the gas mixture taught by Okase is distributed through a plurality of pipes (or ducts) that directly reach certain segmented chambers of the Okase apparatus.

In view of the above, Applicants respectfully submit that Okase fails to disclose, teach or otherwise suggest each and every feature recited by Claim 1 and 13.

To qualify as prior art under 35 U.S.C. §102, each and every feature recited by a rejected claim must be taught by the applied art of record. Since Okase does not disclose, teach or otherwise suggest each and every feature recited by Claims 1 and 13, Applicants respectfully submit that Claims 1 and 13 are not anticipated by, or rendered obvious in view of, Okase and should be deemed allowable.

Reimer teaches a supply port communicated from a gas-mixing chamber to a shower head to supply a gas mixture, wherein the supply port is disposed above the shower head and on a diametrical extension line of the shower head, and wherein the supply port is arranged and constructed such that the gas mixture supplied from the gas-mixing chamber flows from a peripheral exterior on the top face of the shower head toward a central portion along the top face thereof.

As such, Applicants submit that Reimer does not cure or otherwise address the above-described drawbacks and deficiencies of Okase.

Therefore, Applicants submit that Claim 13 is not rendered obvious in view of the teachings of Okase and Reimer, either alone or in any combination thereof, and should be deemed allowable.

Applicants respectfully submit that Okase and Reimer, alone or in any combination thereof, fails to disclose, teach or otherwise suggest each and every feature recited by Claims 1 and 13.

Claims 3-6 and 8-11 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Withdrawal of the rejections is respectfully requested.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1, 3-6, 8-11 and 13, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 026390.00009**.

Respectfully submitted,
ARENT FOX LLP

A handwritten signature in black ink, appearing to read 'MOZgu', is written over a horizontal line.

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